

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 IN RE ENFORCEMENT OF PHILIPPINE :  
 FORFEITURE JUDGMENT AGAINST :  
 ALL ASSETS OF ARELMA, S.A., : 19 Misc. 412 (LAK) (GWG)  
 FORMERLY HELD AT MERRILL :  
 LYNCH, PIERCE, FENNER & SMITH, : ORDER  
 INC., INCLUDING BUT NOT LIMITED :  
 TO ACCOUNT NO. 16 :  
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**GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE**

The United States of America (“Government”) brought this petition to enforce a foreign forfeiture judgment pursuant to 28 U.S.C. § 2467. (Docket # 1). Respondent Jose Duran opposes the petition. The Government has moved for summary judgment on the defenses pled by Duran (Docket # 193), and Duran has cross-moved for summary judgment on his defenses. (Docket # 222).

In its briefing, the Government argues that Duran’s cross-motion should be stricken because it was improperly filed more than a month after the summary judgment motion deadline and was an “end-run” around the page limitations imposed by the Court. See Docket # 236 (“Gov’t Reply”), at 35. While Duran oddly fails to respond to this argument, the Court issues this Order to note that its scheduling order (see Minute Entry, dated July 13, 2022) was not intended to prevent any party from filing a cross-motion on an issue raised in an initial summary judgment motion.

The Government has identified no prejudice caused by Duran’s actions, except to allude to the fact that Duran filed a separate brief on his cross-motion, thereby affording himself additional pages to address the issues raised by the Government’s motion. See Gov’t Reply at 35-36. Duran’s action also required the Government to address these additional pages in a short time period. Id. at 35.

The Court questions whether the additional pages by themselves caused the Government any prejudice given that the Government’s opposition (combined with the reply) did not reach the 50-page limit. Nonetheless, if the Government wishes additional time (and additional pages) to address the cross-motion, the Court is happy to accommodate the Government. Accordingly, the Government is granted until March 29, 2023, to file an amended combined opposition/reply without page limitations if it wishes to do so. If the Government opts to file such a brief, Duran’s reply to its cross-motion shall be filed within 7 days thereafter. If the Government does not file such a brief, the Court will consider the motion based on the current record.

SO ORDERED.

Dated: March 15, 2023  
 New York, New York

  
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 GABRIEL W. GORENSTEIN  
 United States Magistrate Judge